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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/879,329
Filing Date	June 12, 2001
First Named Inventor	Ethan R. Signer
Art Unit	1636
Examiner Name	Sullivan, Daniel M.
Attorney Docket Number	408445

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

- iv. ☒ Other: Patition for Extension of Time;  
Certificate of Transmission

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(g) required)
- b. ☐ Other \_\_\_\_\_

3. **Fee** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-0800

- i. ☒ RCE fee of \$386 required under 37 C.F.R. 1.17(e)
- ii. ☒ Extension of time fee of \$510 (37 C.F.R. 1.138 and 1.17)
- iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Don Cleveland, Jr.	Registration No. (Attorney/Agent)	36,108
Signature		Date	April 15, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or otherwise transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print /Type)	Janice Price
Signature	
Date	April 15, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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05/23/2005 PSTANBAC 0000011 120  
 Sale Ref: 00000011 DSC 120600  
 01 FC:1801 790000 DA

09879329  
 SDIRETAT  
 Adjustment date: 09/15/2005  
 05/23/2005 PSTANBAC 0000012 120600  
 510.00 CR  
 01 FC:2253

PTO/SB/22 (12-04)  
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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> <small>(Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4518).)</small>		Docket Number (Optional) 408445
Application Number 09/879,329		Filed June 12, 2001
For Removal of Selectable Markers from Transformed Cells		
Art Unit 1638		Examiner Sullivan, Daniel M.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$_____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$_____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$_____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$_____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-0600. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86).

☒ attorney or agent of record. Registration Number 36,108

☐ attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

AC 00000019 12068 09879329  
DAH-12068 09879329  
510.00 DA  
Signature  
Dan Cleveland, Jr.  
Typed or printed name

April 15, 2006  
Date  
720-931-3012  
Telephone Number

**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representatives are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FOR COMPLETION TO: P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6100 and select option 2.

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PATENT  
Attorney Docket No.: 408445

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	Ethan R. Signer et al.	Examiner	Sullivan, Daniel R.
Serial No.	09/879,329	Group Art No.	1636
Filed	June 12, 2001	Confirmation No.	4053
For	Removal of Selectable Markers From Transformed Cells		

July 21, 2005

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL REQUEST FOR REFUND  
IMPROPER CHARGE OF DEPOSIT ACCOUNT**

Dear Sir:

**I. REFUND REQUEST**

This is a request for an additional refund, subsequent to the Request for Refund dated July 14, 2005, in the amount of \$905, with respect to the charges to Deposit Account 12-0600, shown on the statement dated May 23, 2005, for the above-identified patent application.

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

CFR §1.17(e) Request for Continued Examination (RCE); CFR §1.136(a) Petition for Extension of Time.

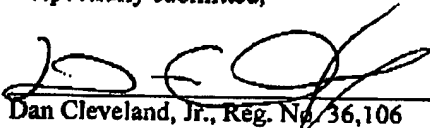
**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

On April 25th \$905 (\$395-RCE and \$510-Petition for Extension of Time) was posted to Account No. 12-0600. On May 23, 2005 \$1,300 (\$790-RCE and \$510-Petition for Extension of Time) was posted to Account No. 12-0600.

**IV. MANNER OF REFUND**

Please make refund of \$905 crediting Account No. 12-0600.

Respectfully submitted,

  
Dan Cleveland, Jr., Reg. No. 36,106  
LATHROP & GAGE LC  
4845 Pearl East Circle, Suite 300  
Boulder, CO 80301  
(720) 931-3012



4845 Pearl East Circle  
Suite 300  
Boulder, CO 80301  
(720) 931-3000, Fax (720) 931-3001

Direct Dial Number:  
(720) 931-3012

[www.lathropgage.com](http://www.lathropgage.com)

2345 Grand Boulevard,  
Suite 2800  
Kansas City, MO 64108-2612  
(816) 292-2000, Fax (816) 292-2001

230 Park Avenue  
Suite 1847  
New York, NY 10169  
(212) 850-6220, Fax (212) 850-6221

314 East High Street  
Jefferson City, MO 65101  
(573) 893-4338, Fax (573) 893-5388

10851 Mastin Blvd.  
Building 82, Suite 1000  
Overland Park, KS 66210-1868  
(913) 451-5100, Fax (913) 451-0875

1845 S. National  
Springfield, MO 65808-4288  
(417) 886-2000, Fax (417) 886-9126

1010 Market Street  
Suite 1300  
St. Louis, MO 63101-2000  
(314) 613-2500, Fax (314) 613-2550

1200 G Street, N.W.  
Suite 800  
Washington, D.C. 20005  
(202) 434-8984, Fax (202) 434-8992

July 21, 2005

From: Dan Cleveland

Matter No.: 408445

To:	Company:	Fax Number:	Phone Number:
Commissioner for Patents	United States Patent and Trademark Office	571-273-6500	

Number of Pages Transmitted (including this cover sheet): 4

Applicant(s)	Ethan R. Signer et al.	Examiner	Sullivan, Daniel R.
Serial No.	09/879,329	Group Art No.	1636
Filed	June 12, 2001	Confirmation No.	4053
For	Removal of Selectable Markers From Transformed Cells		

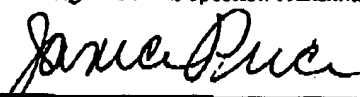
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Fax Attendant: \_\_\_\_\_

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>CERTIFICATE OF TRANSMISSION (37 CFR 1.8)</b>			Atty Docket No.
Applicant(s): Ethan R. Signer at al.			408445
Application No.	Filing Date	Examiner	Group Art Unit
09/879,329	June 12, 2001	Sullivan, Daniel M.	1636
<b>Title: REMOVAL OF SELECTABLE MARKERS FROM TRANSFORMED CELLS</b>			
Date of Transmittal: <u>July 21, 2005</u>			
I hereby certify that the following documents:			
1. Transmittal Form (1 page);			
2. Supplemental Request for Refund Improper Charge of Deposit Account (1 page);			
3. Fax cover page			
are being transmitted via facsimile number 571-273-6500 to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.			
		Name of Depositor/Transmitter	
		Janice Price	
		Signature of Depositor/Transmitter	
			

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<b>TRANSMITTAL FORM</b>		Application Number	09/879,329
		Filing Date	June 12, 2001
		First Named Inventor	Ethan R. Signer
		Art Unit	1836
		Examiner Name	Sullivan, Daniel R.
Total Number of Pages in This Submission		Attorney Docket Number	408445

*(to be used for all correspondence after initial filing)*

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Request for Refund Certificate of Facsimile Transmission Fax cover page
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Lathrop & Gage LC		
Signature			
Printed Name	Dan Cleveland, Jr.		
Date	July 21, 2005	Reg. No.	38,108

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Janice Price	Date	July 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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